

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8106 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

BHUPATPURI GANESHPURI GOSAI

Versus

JI ANTANI

Appearance:

MR MB GANDHI for Petitioners

MR SAMIR DAVE for Respondent No. 1

None present for Respondent No. 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 04/02/99

ORAL JUDGEMENT

#. Heard the learned counsel for the parties.

#. In fact, this special civil application stood disposed of under the order of this Court dated 9.12.98. Be that as it may, the learned counsel for the respondent No.1 admits that the application filed by respondent No.2

under Section 41A of the Bombay Public Trusts Act is pending before the appropriate authority. This application has to be decided by the appropriate authority within reasonable time, but that has not been done so far. The learned counsel for the respondent No.1 has no objection in case this court gives out a time bound programme to the authority concerned to decide this application. The learned counsel for the petitioner is also interested in disposal of that application. The learned counsel for the parties are also in agreement that interim relief in terms of para-21(c) as granted by this court on 9.12.98 be ordered to be continued till decision of the application aforesaid of respondent No.2 by the authority concerned.

#. This special civil application is disposed of in terms that the authority concerned shall decide the application of respondent No.2 filed by him under Section 41A of the Act aforesaid within a period of three months from the date of receipt of Writ of this order. Till decision of the said application, interim relief granted by this court shall continue. The special civil application and Rule stand disposed of accordingly.

#. The learned counsel for respondent No.1 prays for awarding costs in this matter to the State of Gujarat, but I do not find it to be appropriate case where costs have to be awarded to the State of Gujarat.

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[sunil]